TOWN OF
WEYMOUTH

COMMONWEALTH OF
MASSACHUSETTS

Warrant and Recommendations of the Appropriation Committee for SPECIAL TOWN MEETING

Monday, October 15, 1973
7:30 p.m.

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FRANCIS E. WHIPPLE
AUDITORIUM of the
SOUTH HIGH SCHOOL
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WEYMOUTH APPROPRIATION COMMITTEE

Robert E. DiCenso, Chairman
17 Fourth Avenue, Weymouth

Lincoln W. Ryder, Vice Chairman
73 Union Street, South Weymouth

Domenic J. Sansone, Secretary
264 Middle Street, East Weymouth

Claire Aizenstadt (Mrs.)
600 Broad Street, East Weymouth

James E. Bristol
10 Daniel Street, East Weymouth

Lawrence W. Cassese
196 Lake Street, East Weymouth

Jon Cazeault
605 Bridge Street, North Weymouth

Roy E. Charron
57 Standish Street, North Weymouth

Edward G. Ennis
25 Springvale Circle, Weymouth

John E. Greene
59 Ingrid Road, Weymouth

J. Warren Heffernan
42 Gaslight Drive, South Weymouth

Marie E. Murphy (Miss)
1132 Main Street, South Weymouth

William W. Taber
351 Commercial Street, Weymouth

W.C.
352
Mon. Oct. 15 '73
7:30pm.
copy 2

WARRANT AND RECOMMENDATIONS OF THE APPROPRIATION COMMITTEE FOR THE SPECIAL TOWN MEETING

MONDAY, THE FIFTEENTH DAY OF OCTOBER, 1973

COMMONWEALTH OF MASSACHUSETTS
TOWN OF WEYMOUTH Mass.

NORFOLK, ss:

To any of the Constables of the Town of Weymouth in said County GREETING:

OCT 29 '74 Gift of Town

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of Weymouth aforesaid qualified to vote in Town affairs to meet in the Francis E. Whipple Auditorium of the Weymouth South High School, 360 Pleasant Street, (South) Weymouth on

MONDAY, THE FIFTEENTH DAY OF OCTOBER, 1973

at seven o'clock and thirty minutes in the evening, then and there to act upon the following articles, namely:

ARTICLE 1. (By Direction of the Board of Selectmen at the Request of the Appropriation Committee) To see whether the Town will vote to transfer from available funds and appropriate a sum of money for the purpose of paying regular salaries in the Police Department; or take any other action in relation thereto.

RECOMMENDED: Favorable Action and the sum of $187,000. (E & D)

When the Annual Budget was prepared, the women traffic supervisors salary was omitted along with several other accounts by the Appropriation Committee's secretary.

ARTICLE 2. (By Direction of the Board of Selectmen at the Request of the Appropriation Committee) To see if the Town will vote to transfer from available funds and appropriate a sum of money for the purpose of paying overtime wages and salaries in the Fire Department; or take any other action in relation thereto.

RECOMMENDED: Favorable Action and the sum of $125,000. (E & D)

The Fire Department's overtime was expended in August.

ARTICLE 3. (By Direction of the Board of Selectmen at the Request of the Town Accountant) To see what sum of money the Town will vote to raise and appropriate by transfer from available funds, for the payment of unpaid bills for the year 1972; or take any other action in relation thereto.

RECOMMENDED: Favorable Action and the sum of $3,715. (E & D)

This appropriation is needed to pay 1972 Workman's Compensation cases. The majority of these funds will be recoverable at a later date. 10,088

ARTICLE 4. (By Direction of the Board of Selectmen at the Request of the Chief of Police) To see what sum of money the Town will vote to raise by transfer from available funds and/or borrow and appropriate for the purpose of installing a new gasoline storage tank at the Police Station; or take any other action in relation thereto.

RECOMMENDED: No Action.

Request for $5,000 to install 6600-gallon storage tank. This is a capital outlay request and should be considered at the Annual Town Meeting.

ARTICLE 5. (By Direction of the Board of Selectmen at the Request of the Chief of Police) To see what sum of money the Town will vote to raise by transfer from available funds and/or borrow and appropriate for the purpose of installing flashing curve sign installations on Union Street at May Terrace and also in vicinity of house numbers 360 to 370 and a two way flashing beacon at the intersection of Union Street and Liberty Street; or take any other action in relation thereto.

RECOMMENDED: Favorable Action and the sum of $10,000. (E & D)

There have been numerous accidents in this area. It is recommended that two (2) flashing curve signals and one (1) two-way beacon signal light be installed to help slow down traffic.

ARTICLE 6. (By Direction of the Board of Selectmen at the Request of the Chief of Police) To see what sum of money the Town will vote to raise by transfer from available funds, and/or borrow and appropriate, a sum of money for the purpose of installing flashing speed limit signs at the Union Street Elementary School; or take any other action in relation thereto.

RECOMMENDED: No Action.

Refer to Article 8 of this Warrant.

ARTICLE 7. (By Direction of the Board of Selectmen at the Request of the Chief of Police) To see what sum of money the Town will vote to raise by transfer from available funds and/or borrow and appropriate for the purpose of staffing and equipping a Youth Division in the Police Department; or take any other action in relation thereto.

RECOMMENDED: No Action.

The Police Chief requested $19,700 for the following positions: 2 Police Officers, 1 female employee, 1 vehicle, and equipment. This is a capital outlay request and should be considered at the Annual Town Meeting.

ARTICLE 8. (By Direction of the Board of Selectmen at the Request of the Chief of Police) To see what sum of money the Town will vote to raise by transfer from available funds, and/or borrow and appropriate for the purpose of installing school zone flashing speed limit signals, in accordance with Massachusetts Department of Public Works regulations, on Union Street for the Union Street School, on Middle Street for the Seach School, on Ralph Talbot Street for the Ralph Talbot School and on Commercial Street for the Pingree School; or take any other action in relation thereto.

RECOMMENDED: Favorable Action and the sum of $22,000. (E & D)

These funds are reimbursable by the state.

ARTICLE 9. (By Request of the Air Conditioning Committee and the Board of Public Works) To see if the Town will vote to raise and appropriate by transfer from available funds and/or borrow, a sum of money for furnishing and constructing air conditioning for the Weymouth Public Works offices; or take any other action in relation thereto.

RECOMMENDED: No Action.

Request for $22,000 to central air condition the offices at Public Works. This is a capital outlay request and should be considered at the Annual Town Meeting.

ARTICLE 10. (By Request of the Conservation Commission) To see what sum of money the Town will vote to raise by transfer from available funds, and/or borrow, and appropriate for the purpose of acquiring by gift, purchase or to take by right of eminent domain for conservation purposes, portion of Lot 22, sheet 8, Block 103 of the Atlas of the Town of Weymouth, as shown on a plan on file in the Town Clerk's office as drawn by Frank S. Lagrotteria, Town Engineer; or take any other action in relation thereto. and sum of $1

RECOMMENDED: Favorable Action.

Lot 22 was erroneously omitted from Article 37 of the Annual Town Meeting of 1971. This portion is needed to protect the well in the area. See appendix A

ARTICLE 11. (By Direction of the Board of Selectmen at the Request of the Conservation Commission) To see what sum of money the Town will vote to raise by transfer from available funds, and/or borrow, and appropriate for the purpose of acquiring by gift, purchase, or to take by right of eminent domain for conservation

purposes, Lot 4, Block 103, Sheets 7, 8, and 10; or take any other action in relation thereto.

RECOMMENDED: Defer until Town Meeting.

The Conservation Commission is attempting to see if the owner will sell subject to Town Meeting approval. Assessed value is $8,200. See appendix A

ARTICLE 12. (By Request of the Junior High Facilities Building Committee) To see what sum of money the Town will vote to transfer from available funds to the Bicknell Junior High construction and alteration account; or take any other action in

RECOMMENDED: Favorable Action. 12,682.51 Wesoag 55.27

The following funds are available upon release from the various Building Committees: $57,468.74 South High School, ~~$13,515.~~88 Union Street School, $19,562.99 from the East Junior High Fire Account, $6,000.00 from the East Junior High Demolition Account, Total $96,547.61. 65% of these funds will be reimbursable by the state. Funds are needed to complete project at Bicknell.

95,769.51

ARTICLE 13. (By Request of the Junior High Facilities Building Committee) To see what sum of money the Town will vote to transfer from the East Junior High School construction account and/or the South Junior High School construction account to the Bicknell Junior High School construction and alteration account; or take any other action in relation thereto.

RECOMMENDED: No Action.

See Article 12 of this Warrant.

ARTICLE 14. (By Request of the School Committee) To see whether the Town will vote to transfer from available funds, and/or borrow, and appropriate the sum of $54,900.00 for the purpose of providing three (3) elementary school librarians and eleven (11) kindergarten aides, said amount to be added to the School Department Budget for the current fiscal period; or take any other action in relation thereto.

RECOMMENDED: No Action.

The Appropriation Committee is of the opinion that we have a solid chance of defeating the suit.

ARTICLE 15. (By Direction of the Weymouth Police Association) To see if the Town will vote to raise and appropriate by transfer from available funds and/or borrow, the sum of money necessary to pay the legal costs of defending the criminal charges brought against Weymouth Patrolman Robert Dalrymple and Patrolman Arthur Stone, such charges arising from actions while both

officers were on duty; or take any other action in relation thereto.

RECOMMENDED: No Action.

$5,000 was transferred from the reserve account to the Town Counsel's budget.

ARTICLE 16. (By Direction of the Board of Selectmen at the Request of the Appropriation Committee) To see if the Town will vote to authorize the Town Treasurer to also be the Collector of Taxes; or take any other action in relation thereto.

RECOMMENDED: Favorable Action.

ARTICLE 17. (By Direction of the Board of Selectmen) To see if the Town will vote to establish a committee of five (5) members, to be called the Town Hall Building Committee, which committee shall investigate and study necessary repairs, renovations, and remodeling required at the Town Hall, including the feasibility of installing an elevator and a system of air conditioning, and further to see what sum of money the Town will vote to appropriate by transfer from available funds to pay the expenses of the Committee. Said Committee to be appointed by the Board of Selectmen and shall make a report at the next Annual Town Meeting; or take any other action in relation thereto.

RECOMMENDED: Favorable Action and the sum of $250. (E & D)

Better utilization and space is needed for various departments of the Town.

ARTICLE 18. (By Direction of the Board of Selectmen) To see if the Town will vote to adopt the following By-Law;

> No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1 of the Massachusetts General Laws while on, in, or upon any public way or upon any way to which the public has a right of access, or any place to which members of the public have access as invitees or licensees, park, playground, or public beach, or private land or place without consent of the owner or person in control thereof. All alcoholic beverages being used in violation of this By-Law shall be seized and safely held until final adjudication of the charge against the person or persons arrested or summoned before the court, at which time, they shall be returned to the person entitled to lawful possession;

or take any other action in relation thereto.

RECOMMENDED: Favorable Action.

This By-Law will help the Police control our parks, beaches, etc.

ARTICLE 19. (By Direction of the Board of Selectmen) To see if the Town will vote to adopt the following By-Law.

It shall be unlawful for any person, firm or corporation, in person or by his agent, employee or servant, to cast, throw, sweep, sift or deposit in any manner in or upon any public way or other public place in the Town or any river, canal, public water, drain, sewer or receiving basin within the jurisdiction of the Town, any kind of dirt, rubbish, waste article, thing or substance whatsoever, whether liquid or solid. Nor shall any person, firm or corporation, cast, throw, sweep, sift or deposit any of the aforementioned items anywhere within the jurisdiction of the Town in such manner that it may be carried or deposited in whole or in part, by the action of the sun, wind, rain or snow, into any of the aforementioned places.

Provided, that this section shall not apply to the deposit of material under a permit authorized by any By-Law of the Town; or to goods, wares or merchandise deposited upon any public way or other public place temporarily, in the necessary course of trade, and removed therefrom within two hours after being so deposited; or to articles or things deposited in or conducted into the town sewer system through lawful drains in accordance with the By-Laws of the Town relating thereto.

It shall be unlawful for any person, firm or corporation, in person or by his or its agent, employee or servant, to use any vehicle to haul any kind of dirt, rubbish, waste articles or things or substance, whether liquid or solid, unless such vehicle is covered to prevent any part of its load from spilling or dropping at all times while such vehicle is in motion on any street or alley in the Town. Provided, however, that the requirements herein for covering such vehicles shall not apply to vehicles carrying brush cuttings, tree trimmings, branches, logs and similar waste material, if such matter is securely lashed to such vehicle to prevent spilling or dropping as aforesaid.

Any person, firm or corporation violating any of the provisions of this Section of the By-Law shall be fined not less than ten dollars nor more than two hundred dollars for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues;

or take any other action in relation thereto.

RECOMMENDED: Favorable Action.

This By-Law will help control litter and careless disposal of materials.

ARTICLE 20. (By Direction of the Board of Selectmen) To see if the Town will vote to adopt the following By-Law.

Unsheltered storage of old, unused, stripped, junked, and other automobiles not in good and safe operating condition, and of any other vehicles, machinery, implements, and/or equipment and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, which hereinafter are

collectively described as "said personalty," for a period of thirty days or more (except in licensed junk yards) within the corporate limits of this Town, is hereby declared to be a nuisance and dangerous to the public safety.

Abatement of nuisance by owners. The owner, owners, tenants, lessees and/or occupants of any lot within the corporate limits of this town upon which such storage is made, and also the owner, owners, and/or lessees of said personalty involved in such storage (all of whom are hereafter referred to collectively as "owners"), shall jointly and severally abate said nuisance by the prompt removal of said personalty into completely enclosed buildings authorized to be used for such storage purposes, if within the corporate limits of the town, or otherwise to remove it to a location without said corporate limits.

Penalty for failure of owner to abate such nuisance. If said owners allow said nuisance to exist or fail to abate said nuisance they, and each of them, upon conviction thereof shall be fined not less than ten dollars nor more than two hundred dollars for each offense and a separate offense shall be deemed committed on each day during or on which said nuisance is permitted to exist.

Abatement by Town. Whenever said owners fail to abate such nuisance then the Town shall remove the said personalty to a location of its selection, the expenses therefor to be billed to said owners, jointly and severally, said bill to be recoverable by legal action.

When said personalty has been removed and placed in storage by the Town, as provided for herein, said personalty shall be sold by the Town after the lapse of such time as is provided by law. If the proceeds of such sale are insufficient to pay the costs of abatement, said owners shall be liable to the town for the balance of the costs, jointly and severally, to be recoverable by legal action. If the proceeds are in excess of costs, the balance shall be paid to said owners, or deposited in the Town treasury for their use;

or take any other action in relation thereto.

RECOMMENDED: Favorable Action.

This By-Law gives our law enforcement the authority.

ARTICLE 21. (By Direction of the Board of Selectmen and at the Request of the Permanent Building Code Review Committee established under Article #9 of the Town of Weymouth Special Town Meeting, October 27, 1969) To see if the Town will vote to amend the Building Code Portion of the By-Laws of the Town by making the following changes, deletions, additions, or amendments;

DELETE: The appointment of Inspector of Buildings and Sections 701A and 701B and replace by the following:

Section 701:0 Department of Building Inspection

701:1 *Building Commissioner:* The Building Inspection Department of the Town of Weymouth shall be under the direction of the executive official in charge thereof known as the Building Commissioner.

701:2 *Appointment:* The Building Commissioner shall be appointed annually by the Board of Selectmen in the month of April. His term of office shall be for one year from the 1st day of May following or until another is appointed in his stead. He shall not be removed from office during his appointed term except for cause and after full opportunity has been granted him to be heard on specific and relevant charges by and before the full Board of Selectmen.

701:3 *Organization:* The Building Commissioner shall appoint such number of officers, technical assistants, inspectors, clerks, and other employees as shall be necessary to conduct the business of the Building Construction Department and as authorized by the Board of Selectmen.

701:4 *Deputy:* The Building Commissioner shall designate an employee as his deputy who shall exercise all the powers of the Building Commissioner during his temporary absence or disability.

701:4.1 *Technical Assistants:* In order to properly cover the duties of the Building Inspection Department there shall be sufficient technical assistants and clerical staff to cover the following offices:

A. *Technical Assistants*

Building Inspector of Construction
Assistant Building Inspector of Construction
Plan Examiner
Zoning By-Law Compliance Officer
Building Code Enforcement Officer
Wiring Inspector
Assistant Wiring Inspector
Plumbing Inspector
Gas Inspector

B. *Clerical Staff*

Executive Secretary
Chief Clerk
Clerks

701:5 *Qualifications of Building Commissioner:* To be eligible for appointment, the Building Commissioner shall have had at least five (5) years building experience as a licensed professional engineer or architect, or at least ten (10) years experience as a Building Inspector of Construction. Three (3) years of which experience he shall have been in responsible charge of work, and

he shall be generally informed on good engineering practice in respect to the design and construction of buildings, the basic principals of fire prevention, the accepted requirements of means of egress and the installation of elevators and other service equipment necessary for the health, safety and general welfare of the occupants; For two (2) years of which experience he shall have been in responsible charge in a supervisory capacity of an office similarly structured to the Building Department.

701:6 *Qualifications of Assistants:* No person shall be appointed as a technical assistant unless he has had at least three (3) years practical experience in the technical work which he is appointed to supervise, or in responsible charge of building construction, or as a skilled worker. No person shall be appointed as inspector of construction who has had less than three (3) years experience in general building construction.

701:6.1 *Qualifications of Clerical Help:* All clerical help shall meet the qualifications as established by the Personnel Board.

701:7 *Restrictions on Employees:* No official or employee connected with the department of building inspection, except one whose only connection is that of a member of the board of appeals shall be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of plans or of specifications thereof, unless he is the owner of the building; nor shall such officer or employee engage in any work which conflicts with his official duties or with the interests of the department.

701:8 *Relief from Personal Responsibility:* The Building Commissioner, officer, or employee charged with the enforcement of the Building Code while acting for the Town, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his official duties. Any suit instituted against any officer or employee because of an act performed by him in the lawful discharge of his duties and under the provisions of the Building Code shall be defended by the legal representative of the Town until the final termination of the proceedings. In no case shall the building official or any of his subordinates be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of the Building Code; and any officer of the department of building inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions, or by reason of any act or omission in the performance of his official duties in connection therewith.

701:9 *Official Records:* An official record shall be kept of all

business and activities of the department specified in the provisions of the Building Code and all such records shall be open to public inspection at all appropriate times.

or take any other action in relation thereto.

RECOMMENDED: Favorable Action.

This By-Law change will reorganize the Building Inspectors Department and add the needed personnel to make it an efficient department of the Town.

ARTICLE 22. (By Direction of the Board of Selectmen and at the Request of the Permanent Building Code Review Committee established under Article #9 of the Town of Weymouth Special Town Meeting, October 27, 1969) To see if the Town will vote to amend the Building Code portion of the By-Laws of the Town by making the following changes, deletions, additions or amendments.

DELETE: Section General Duties of Inspector and Section 702 and 703 and replace by the following:

Section 702:0 *General Duties of the Building Commissioner:*

Reports:

702:10 The Building Commissioner shall keep a record of the business of said department; submit to the Selectmen a yearly report of such business; ascertain all facts and make all returns which shall be required by law or other matters connected with his department.

702:11 *Duties:* The Building Commissioner shall enforce all the provisions of the Building Code and shall act on any question relative to the mode or manner of construction and the materials to be used in the erection, addition to, alteration, repair, removal, demolition, installation of service equipment, and the location, use, occupancy and maintenance of all buildings and structures, except as may otherwise be specifically provided for by statutory requirements or as herein provided.

702:12 *Applications and Permits:* The Building Commissioner shall receive applications and issue permits for the erection and alteration of buildings and structures, and inspect the premises for which such permits have been issued and enforce compliance with the Building Code provisions.

702:13 *Scope:*

702:14 *Title:* These regulations shall be known and cited as part of the Building Code of the Town of Weymouth hereinafter referred to as the Building Code. The provisions of these regulations shall govern the construction, alteration, repair, demolition, removal, use or occupancy and maintenance of all buildings and structures and their service equipment as herein defined and shall apply to existing or proposed buildings and structures in the Town of Weymouth, except as such

matters are otherwise provided for in the Town of Weymouth charter, or other ordinances or statutes, or in the rules and regulations authorized for promulgation under the provisions of the Building Code.

702:15 *Application of References:* Unless otherwise specifically provided in the Building Code, all references to article or section numbers or to the provisions not specifically identified by number, shall be construed to refer to such article, section or provisions of the Building Code.

702:16 *Code Remedial:* The Building Code shall be construed to secure its expressed intent which is to insure public safety, health and welfare insofar as they are affected by building construction, through structural strength, adequate egress facilities, sanitary equipment, light and ventilation and fire safety; and in general, to secure safety to life and property from all hazards incident to the design, erection, repair, removal, demolition or use and occupancy of buildings, structures or premises.

702:17 *Regulations* covering safety during construction and aspects of construction not covered by this Building Code are covered by other state agencies and their regulations among which are, and not necessarily limited to, the following:

Department of Public Safety:

- Board of Boiler Rules
- Board of Elevator Regulations
- Board to Facilitate the Use of Public Buildings by Physically Handicapped, Form PHR - 1
- Board of Fire Prevention Regulations, including the Massachusetts Electrical Code
- Board of Schoolhouse Structural Standards, Form B-2

Department of Public Utilities:

Department of Labor and Industries:

- Industrial Bulletin No. 12

Gas Regulatory Board, Massachusetts Code for Installation of Gas Appliances and Gas Piping:

Outdoor Advertising Division:

Board of State Examiners of Plumbers.

702:18 *Application:* Any building, portion of a building or a room which is a place of assembly or which is required to be provided with proper egresses or other means of escape shall comply with the provisions of State Code Standard 10, and the Building Code of the Town of Weymouth.

702:19 *Matter Covered:* The provisions of the Building Code shall apply to all buildings and structures and their appurtenant constructions, including vaults, area and street projections, and

accessory additions; and shall apply with equal force to municipal, county, state and private buildings; except where such buildings are otherwise specifically provided for by statute.

702:20 *Exemptions:* No building or structure shall be constructed, extended, repaired, revamped or altered in violation of these provisions, except for ordinary repairs as defined in section 702:24 and except further that the raising or lowering or removing of a building or structure as a unit necessitated by a change in legal grade or widening of a street shall be permitted, provided the building is not otherwise altered or its use or occupancy changed.

702:21 *Matters not Provided For:* Any requirement essential for structural, fire or sanitary safety of an existing or proposed building or structure or essential for the safety of the occupants thereof and which is not specifically covered by the Building Code, shall be determined by the Building Commissioner.

702:22 *Continuation of Unlawful Use:* The continuation of occupancy or use of a building or structure, or of a part thereof, contrary to the provisions of the Building Code shall be deemed a violation and subject to the penalties prescribed in section 702:106.

702:23 *Zoning Restrictions:* When the provisions herein specified for structural, fire and sanitary safety are more restrictive than the zoning By-Laws, the Building Code shall control the erection or alteration of buildings in respect to location, use, permissible area and height; but in any case, the most rigid requirements of either the building code or the zoning By-Laws shall apply whenever they may be in conflict.

702:24 *Ordinary Repairs:* Ordinary repairs to buildings may be made without application or notice to the Building Commissioner, but such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall ordinary repairs include addition to; alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

702:25 *Installation of Service Equipment:* When the installation, extension, alteration or repair of an elevator, moving stairway, mechanical equipment, refrigeration, air conditioning or ventilating apparatus, plumbing gas piping, electric wiring, heating system or any other equipment is specifically controlled by the provisions of the Building Code or the approved rules, it shall be unlawful to use such equipment until a certificate of

approval has been issued therefor by the Building Commissioner or Town agency having jurisdiction.

702:26 *Maintenance:* All buildings and structures and all parts thereof, both existing and new, shall be maintained in a safe and sanitary condition. All service equipment, means of egress, devices and safeguards which are required by the Building Code in a building, or which were required by a previous statute in a building where erected, altered or repaired, shall be maintained in good working order.

702:27 *Owner Responsibility:* The owner or his designated agent shall be responsible for the safe and sanitary maintenance of the building or structure and its exitway facilities at all times.

702:28 *Change in Existing Use:*

702:29 *Continuation of Existing Use:* The legal use and occupancy of any structure existing or for which it had been heretofore approved, may be continued without change, except as may be specifically covered in the Building Code or as may be deemed necessary by the Building Commissioner for the general safety and welfare of the occupants and the public.

702:30 *Change in Use:* It shall be unlawful to make any change in the use or occupancy of any structure which would subject it to any special provision of the Building Code without approval of the Building Commissioner and his certification that such structure meets the intent of the provisions of law governing building construction of the proposed new use and occupancy and that such change does not result in any greater hazard to public safety or welfare.

702:31 *Existing Buildings:* Except as provided in this section, existing buildings when altered or repaired as herein specified shall be made to conform to the full requirements of the Building Code for new buildings.

702:32 *Alterations Exceeding Fifty Per Cent:* If alterations or repairs are made within any period of twelve (12) months, costing in excess of fifty (50) per cent of the physical value of the building: or

702:33 *Damages Exceeding Fifty Per Cent:* If the building is damaged by fire or any other cause to an extent in excess of fifty (50) per cent of the physical value of the building before the damage was incurred.

702:34 *Alterations under Fifty Per Cent:* If the cost of alterations or repairs described herein is between twenty-five (25) and fifty (50) percent of the physical value of the building, the Building Commissioner shall determine to what degree the portions so altered or repaired shall be made to conform to the requirements for new buildings:

702:35 *Alterations under Twenty-five Per Cent:* If the cost of

alterations or repairs described herein is twenty-five (25) per cent or less of the physical value of the building, the Building Commissioner shall permit the restoration of the building to its condition previous to damage or deterioration with the same kind of materials as those of which the building was constructed; provided that such construction does not endanger the general safety and public welfare and complies with the provisions of the building code in respect to roofs.

702:36 *Increase in Size:* If the building is increased in floor area or number of stories, the entire building shall be made to conform with the requirements of the building code in respect means of egress, fire safety, light and ventilation.

702:37 *Part Change in Use:* If a portion of the building is changed in occupancy or to a new use group, and that portion is separated from the remainder of the building with required vertical and horizontal fire divisions complying with the fire grading rules and regulations, then the construction involved in the change shall be made to conform to the requirements for the new use and occupancy and the existing portions shall be made to comply with the exitway requirements of the Building Code.

702:38 *Physical Value:* In applying the provisions of this section, the physical value of the building shall be determined by the Building Commissioner and be based on current replacement costs.

702:39 *Building Notices and Orders:* The Building Commissioner shall issue all necessary notices and order to remove illegal or unsafe conditions, to require the necessary safeguards during construction, to require adequate exit way facilities in existing buildings and structures, and to insure compliance with all the code requirements for the safety, health and general welfare of the public.

702:40 *Inspection:* The Building Commissioner shall make all the required inspections or he may accept reports of inspection by authoritative and recognized services or individuals; and all reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service or by the responsible individual; or he may engage such expert opinion as he may deem necessary to report upon unusual technical issues that may arise, subject to the approval of the appointing authority.

702:41 *Research and Investigations:* The Building Commissioner shall make or cause to be made investigations of new developments in the building industry; subject to local climatic or other conditions, he shall accredit tests meeting the functional requirements of the Building Code conducted by accredited authoritative agencies. The Building Commissioner

may accept duly authenticated reports from the Building Officials Conference of America or from recognized authoritative sources of all new materials and methods of construction proposed for use which are not specifically provided for in the Building Code, the costs of all tests or other investigations required under these provisions shall be paid by the applicant.

702:42 *New Rules:* The Building Commissioner shall promulgate rules under the procedure provided in section 702:44, establishing the conditions for use of new materials consistent with the provisions of the Building Code and with minimum requirements based on accepted engineering practice;

702:43 *Department Records:* The Building Commissioner shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. File copies of all papers in connection with building operations shall be retained in the official records so long as the building or structure to which they relate remains in existence;

702:44 *Rules and Regulations:*

702:45 *Rule Make Authority:* The Building Commissioner shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of the Building Code to secure the intent thereof and to designate requirements applicable because of local conditions; but no such rules shall have the effect of waiving working stresses or fire resistive requirements specifically provided in the Building Code or violating accepted engineering practice involving public safety.

702:46 *Accepted Engineering Practice:* In the absence of approved rules, the regulations, specifications and standards shall be deemed to represent accepted engineering practice in respect to the material, equipment, system or method of construction therein specified.

702:48 *Variations:* When there are practical difficulties involved in carrying out structural or mechanical provisions of the Building Code or of an approved rule, the Building Commissioner may vary or modify such provision upon application of the owner or his representative, provided that the spirit and intent of the law shall be observed and public welfare and safety be assured.

702:49 *Written Modification:* The application for modification and the final decision of the Building Commissioner shall be in writing and shall be officially recorded with the application for the permit in the permanent records of the Department of Building Inspection.

702:50 *Inspection:*

702:51 *Preliminary Inspection:* Before issuing a permit, the Building Commissioner shall examine or cause to be examined all buildings, structures, and sites for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish, or change the use thereof; and he shall conduct such inspections from time to time during and upon completion of the work for which he has issued a permit; and he shall maintain a record of all such examinations and inspections and of all violations of the Building Code.

702:52 *Accredited Inspection Services:* The Building Commissioner may accept reports of his own inspectors or of approved inspection services which satisfy his requirements as to qualifications and reliability.

702:53 *Plant Inspection:* When required by the provisions of the Building Code or by the approved rules, materials or assemblies shall be inspected at the point of manufacture or fabrication.

702:54 *Inspection Reports:* All inspection reports shall be in writing and shall be certified by the licensed authority, or responsible officer of the service, or the individual when expert inspection services are accepted. A label or mark of approval permanently fixed to the product indicated that factory inspection has been made shall be accepted in lieu of the aforesaid report in writing.

702:55 *Final Inspection:* Upon completion of the building or structure, and before issuance of the certificate of use and occupancy required in Section 702:96, a final inspection shall be made and all violations of the approved plans and permit shall be noted and the holder of the permit shall be notified of the discrepancies.

702:56 *Right of Entry:* In the discharge of his duties, the Building Commissioner or his authorized representative shall have the authority to enter at any reasonable hour any building, structure or premises in the Town for which a permit has been issued to enforce the provisions of the Building Code.

702:57 *Official Badges:* The Building Commissioner may adopt a badge of office for himself and assistants which shall be displayed for the purpose of identification.

702:58 *Municipal Cooperations:* The assistance and cooperation of Police, Fire and Health Departments and all other Town of Weymouth officials shall be available to him as required in the performance of his duties.

702:59 *Application for Permit:*

702:60 *When Permit is Required:* It shall be unlawful to construct, enlarge, alter, remove or demolish a building, or change the occupancy of a building from one use group to

another, or to change to a prohibited use; or to install or alter any equipment for which provision is made or the installation of which is regulated by the Building Code, without first filing an application with the Building Commissioner in writing and obtaining the required permit therefor; except that ordinary repairs as defined in section 702:24 which do not involve any violation of the Building Code shall be exempt from this provision.

702:61 *Form of Application:* The application for a permit shall be submitted in such form as the Building Commissioner may prescribe and shall be accompanied by the required fee.

702:62 *By Whom Application is Made:* Application for a permit shall be made by the owner or lessee of the building or structure or agent of either or by the licensed engineer of architect employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

702:63 *Description of Work:* The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building and such additional information as may be required by the Building Commissioner.

702:64 *Plans and Specifications:* The application for the permit shall be accompanied by not less than two (2) copies of specifications and of plans drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed. When quality of materials is essential for conformity to the Building Code, specific information shall be given to establish such quality: and in no case shall the code be cited or the term "legal" or its equivalent be used as a substitute for specific information. The Building Commissioner may waive the requirement for filing plans when the work involved is of a minor nature.

702:65 *Plot Diagram:* There shall also be filed a plot plan showing to scale the size and location of all the new construction and all existing structures on the site, distances from lot lines and the established street grades, and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the plot plan shall show all construction to be demolished and the location and size of all existing buildings and construction that are to remain on the site or

plot.

702:66 *Engineering Details:* The Building Commissioner may require adequate details of structural, mechanical and electrical work including computations, stress diagrams and other essential technical data to be filed. All plans and computations shall bear the signature of the Engineer of Architect licensed under laws of Massachusetts, responsible for the design.

702:67 *Amendments to Application:* Subject to the limitations of Section 702:68, amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the permit is sought or issued; and such amendments shall be deemed part of the original application and shall be filed therewith.

702:68 *Time Limitation of Application:* An application for a permit for any proposed work shall be deemed to have been abandoned six (6) months after date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that for reasonable cause, the Building Commission may grant one or more extensions of time for additional periods not exceeding ninety (90) days each.

702:69 *Permits:*

702:70 *Action on Applications:* The Building Commissioner shall examine or cause to be examined all applications for permits and amendments thereto within a reasonable time for filing. If the application or the plans do not conform to the requirements of all pertinent laws, he shall reject such application in writing stating the reasons therefor. If the Building Commissioner is satisfied that the proposed work conforms to the requirements of the Building Code and all laws and ordinances applicable thereto, he shall issue a permit therefor as soon as practicable.

702:71 *Suspension of Permit:* Any permit issued shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after the time of commencing the work.

702:72 *Previous Approvals:* Nothing in the Building Code shall require changes in the plans, construction or designated use of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which shall have been actively prosecuted within ninety (90) days after the effective date of this ordinance: and the entire building shall be completed as authorized within two (2) years after the date of approval of the application.

702:73 *Signature to Permit:* The Building Commissioner shall attach his signature to every permit; or he may authorize a subordinate to affix such signature thereto.

702:74 *Approved Plans:* The Building Commissioner shall stamp or endorse in writing both sets of corrected plans "Approved" and one set of such approved plan shall be retained by him and the other set shall be kept at the building site open to inspection of the Building Commissioner or his authorized representative at all reasonable times.

702:75 *Revocation of Permits:* The Building Commissioner may revoke a permit or approval issued under the provisions of the Building Code in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

702:76 *Approval in Part:* The Building Commissioner may issue a permit for the construction of foundations or any other part of a building or structure before the entire plans and specifications for the whole building have been submitted, provided adequate information and detailed statements have been filed complying with all the pertinent requirements of the Building Code. The holder of such permit for the foundations or other part of a building or structure shall proceed at his own risk with the building operation and without assurance that a permit for the entire structure will be granted.

702:77 *Posting of Permit:* A true copy of the building permit shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work and until the completion of the same.

702:78 *Notice of Start:* At least twenty-four (24) hours notice of start of work under a building permit shall be given to the Building Commissioner.

702:79 *Conditions of Permit:*

702:80 *Payment of Fees:* No permit shall be issued until the required fees established have been paid.

702:81 *Compliance with Code:* The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of the Building Code, except as specifically stipulated by modification or legally granted variation as described in the application.

702:82 *Compliance with Permit:* All work shall conform to the approved application and plans for which the permit has been issued and any approved amendments thereto.

702:83 *Compliance with Plot Plan:* All new work shall be located strictly in accordance with the approved plot plan.

702:84 *Change in Plot Plan:* No lot or plot shall be changed, increased or diminished in area from that shown on the official plot plan, unless a revised diagram showing such changes accompanied by the necessary affidavit of owner or applicant shall have been filed and approved; except that such revised plot

plan will not be required if the change is caused by reason of an official street opening, street widening, or other public improvement.

702:85 *Demolition of Buildings:*

702:86 *Service Connections:* Before a building can be demolished or removed, the owner or agent shall notify all utilities having service connections within the building such as water, electric, gas, sewer and other connections. A permit to demolish or remove a building shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

702:87 *Removal of Buildings:*

702:88 *Notice to Adjoining Owners:* Only when written notice has been given by the applicant to the owners of adjoining lots and to the owners of wired or other facilities, of which the temporary removal may be necessitated by the proposed work, shall a permit be granted for the removal of a building or structure.

702:89 *Lot Regulation:* Whenever a building is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grades and the erection of the necessary retaining walls and fences in accordance with the Industrial Bulletin No. 12, Rules and Regulations for the Prevention of Accidents in Construction Operations, Department of Labor and Industries, Division of Industrial Safety, Commonwealth of Massachusetts.

702:90 *Certificate of Use and Occupancy:*

702:91 *New Buildings:* No building hereafter erected shall be used or occupied in whole or in part until the certificate of use and occupancy shall have been issued by the Building Commissioner.

702:92 *Buildings Hereafter Altered:* No building hereafter enlarged, extended or altered to change from one use group to another, in whole or in part, and no building hereafter altered for which a certificate of use and occupancy has not been heretofore issued, shall be occupied or used until the certificate shall have been issued by the Building Commissioner, certifying that the work has been completed in accordance with the provisions of the approved permit; except that any use or occupancy, which was not discontinued during the work of alteration, shall be discontinued within thirty (30) days after the completion of the alteration unless the required certificate is secured from the Building Commissioner.

702:93 *Existing Buildings:* Upon written request from the owner of an existing building, the Building Commissioner shall issue a certificate of use and occupancy, provided there are no violations of law or orders of the Building Commissioner pending, and it is established after inspection and investigation that the alleged use of the building has heretofore existed. Nothing in the Building Code shall require the removal, alteration or abandonment of, or prevent the continuance of the use and occupancy of a lawfully existing building, unless such use is deemed to endanger public safety and welfare.

702:94 *Changes in Use and Occupancy:* After a change of use has been made in a building, the re-establishment of a prior use that would not have been legal in a new building of the same type of construction is prohibited unless all the applicable provisions of the Building Code are complied with. A change from one prohibited use, for which a permit has been granted, to another prohibited use shall be deemed a violation of the Building Code.

702:95 *Temporary Occupancy:* Upon the request of the holder of a permit, the Building Commissioner may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building without endangering life or public welfare.

702:96 *Contents of Certificate:* When a building or structure is entitled thereto, the Building Commissioner shall issue a certificate of use and occupancy within ten (10) days after written applications. The certificate shall certify compliance with the provisions of the Building Code and the purpose for which the building or structure may be used in its several parts. The certificate of use and occupancy shall specify; the use group, the fire grading, the maximum live load on all floors, the occupancy load in the building and all parts thereof, and any special stipulations and conditions of the building permit.

702:97 *Posting Buildings:*

702:98 *Posted Use and Occupancy:* Every building and structure and part thereof designed for high hazard, storage, mercantile, industrial or business use shall be posted on all floors by the owner with a suitably designed placard in a form designated by the Building Commissioner which shall be securely fastened to the structure in a readily visible place, stating; the use group, the fire grading, the live load and the occupancy load.

702:99 *Posted Occupancy Load:* Every building and structure and part thereof designed for use as a place of public assembly or as an institutional building for harboring people for penal, correctional, educational, medical or other care or treatment

shall be posted with an approved placard designating the maximum occupancy load.

702:100 *Replacement of Posted Signs:* All posting signs shall be furnished by the owner and shall be of permanent design; they shall not be removed or defaced and, if lost, removed or defaced, shall be immediately replaced.

702:101 *Periodic Inspection:* The Building Commissioner may periodically inspect all existing buildings and structures for compliance with the law in respect to posting; or he may accept the report of such inspection from an authorized licensed professional engineer or architect; and such inspection and report shall specify any violation of the requirements of the Building Code in respect to the position of floor load, fire grading, occupancy load and use group of the building.

702:102 *Violations:*

702:103 *Notice of Violation:* The Building Commissioner shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, use or occupancy of a building or structure in violation of the provisions of the Building Code or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of the Building Code; and such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

702:104 *Prosecution of Violation:* If the notice of violation is not complied with promptly, the Building Commissioner shall request the legal counsel of the Town to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of the Building Code or of the order or direction made pursuant thereto.

702:105 *Violation Penalties:* Any person who shall violate a provision of the Building Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Building Commissioner, or of a permit or certificate issued under the provisions of the Building Code, shall be liable as prescribed by law or by imprisonment, not exceeding one (1) year or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

702:106 *Abatement of Violation:* The imposition of the penalties herein prescribed shall not preclude the legal officer of the Town of Weymouth from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation or to prevent illegal occupancy of a building, structure

or premises or to stop an illegal act, conduct, business or use of a building or structure in or about any premises.

702:107 *Stop-Work Order:*

702:108 *Notice to Owner:* Upon notice from the Building Commissioner that work on any building or structure is being prosecuted contrary to the provisions of the Building Code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop-work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work may be resumed.

702:109 *Unlawful Continuance:* Any person who shall continue any work in or about the building after having been served with a stop-order, except such work as he is directed to perform to remove a violation or unsafe conditions shall be liable as prescribed by law.

702:110 *Emergency Measures:*

702:111 *Vacating Buildings:* When in the opinion of the Building Commissioner, there is actual and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the building, the Building Commissioner is hereby authorized and empowered to order and require the inmates and occupants to vacate the same forthwith. He shall cause to be posted at each entrance to such building a notice reading as follows:

> "THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING COMMISSIONER"

and it shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or of demolishing the same.

702:112 *Temporary Safeguards:* When in the opinion of the Building Commissioner, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, he shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure herein described has been instituted.

702:113 *Closing Streets:* When necessary for the public safety, the Building Commissioner may temporarily close sidewalks, streets, buildings and structures and places adjacent to such unsafe buildings, and prohibit the same from being used.

702:114 *Emergency Repairs:* For the purposes of this section the Building Commissioner shall employ the necessary labor and materials to perform the required work as expeditiously as

possible.

702:115 *Costs of Emergency Repairs:* Costs incurred in the performance of emergency work shall be paid from the Town Treasury on certificate of the Building Commissioner; and the legal authority of the Town shall institute appropriate action against the owner of the premises where the unsafe building or structure was located for the recovery of such costs.

702:116 *Controlled Materials Procedure:*

702:117 *Waiver of Examination and Inspection:*

702:118 *Under Direct Supervision:* When plans for the erection or alteration of a building are prepared by a registered professional engineer or registered architect, licensed under the laws of the Commonwealth of Massachusetts, and such plans are accompanied by an affidavit of the applicant that he has supervised the preparation of all the design plans and that he will supervise or check all working drawings and shop details for the construction and that the structure will be built under his field supervision and in accordance with the approved plans, and that such plans conform to all the provisions of the Building Code, and that all the material used in the construction will be selected by him, the Building Commissioner may issue a permit for the erection of the building. The Building Commissioner shall make such inspections during the progress of the work and issue such orders as he may deem essential to secure compliance with the Building Code.

702:119 *Verified Report:* Before the issuance of the certificate use and occupancy for such building, the licensed professional engineer or architect who prepared and filed the original plans and who supervised the erection of the building shall file a verified report that the structure has been erected in accordance with the approved plans; and as erected, the building complies in all respects with the Building Code and all other laws governing building construction except as to the specific variations legally authorized under the provisions of the Building Code and as specifically noted in the verified report and cited in the certificate of use and occupancy have been complied with and that the building meets all the requirements of law for the proposed use and occupancy.

702:120 *Special Technical Services:* When applications for unusual technical designs or magnitude of construction are filed, the Building Commissioner may retain or accept a properly qualified registered engineer or registered architect to examine the application for a specific building operation with respect to structural safety and compliance with the Building Code and all other statutory requirements. The cost of all tests or other investigations required under these provisions shall be paid by the applicant.

or take any other action in relation thereto.

RECOMMENDED: Defer until Town Meeting.

The Appropriation Committee will make its recommendation at the Town Meeting. The Recommendation Booklet must go to press before all changes in By-Law were reviewed.

ARTICLE 23. (By Direction of the Board of Selectmen at the request of the Permanent Building Code Review Committee established under Article #9 of the Town of Weymouth Special Town Meeting, October 27, 1969) To see what sum of money the Town will vote to raise and appropriate or transfer from available funds and/or borrow for the purpose of staffing and re-organizing the Building Inspection Department; or take any other action in relation thereto.

RECOMMENDED: Favorable Action and the sum of $20,000. (E & D)

The Appropriation Committee is recommending funding the following positions: Building Commissioner S-28, Building Code Enforcement Officer S-17, 1 clerk S-2, and these positions to be effective November 1, 1973. (Eight months salaries) The Appropriation Committee recommends that the Commissioner become oriented with the problems and at the Annual Meeting make his recommendations for additional personnel.

ARTICLE 24. (By Direction of the Board of Selectmen) To see if the Town will vote to amend or rescind Article 10, Section 16 and adopt the following By-Law in lieu thereof.

SIGN BY-LAW

SECTION 1
PURPOSES

This By-Law is adopted for the regulation and restriction of billboards, signs and other advertising devices within this Town on public ways or on private property within public view of a public way, public park or reservation in order to protect and enhance the visual environment of this Town and the safety, convenience and welfare of its residents.

SECTION 2
AUTHORITY AND INTERPRETATION

This By-Law is hereby declared to be remedial and protective and is to be so construed as to secure the beneficial interests and purposes thereof. This By-Law is adopted pursuant to Chapters 93, 40A and 43B of the General Laws of Massachusetts.

SECTION 3
DEFINITIONS

§ 3.1 *Accessory Sign:* Any sign that advertises, calls attention to, or

indicates the person occupying the premises on which the sign is erected or maintained, or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

§ 3.2 *Interested Person:* Any person residing in this Town who requests the Sign Officer in writing that his name be placed on a mailing list.

§ 3.3 *Non-Accessory Sign:* Any sign not an accessory sign.

§ 3.4 *Outdoor Advertising Board:* The Outdoor Advertising Board of the Commonwealth of Massachusetts or any board or official which may hereafter succeed to its powers or functions.

§ 3.5 *Person:* shall include an individual, corporation, society, association, partnership, trust or other entity, public or private.

§ 3.6 *Public Way:* shall include a private way that is open to public use.

§ 3.7 *Sign:* Any privately owned permanent or temporary structure, billboard, device, letter, word, medal, banner, pennant, insignia, trade flag, or representation used as, or which is in the nature of, an advertisement, announcement, or direction which is on a public way, public park or reservation.

§ 3.8 *Standing Sign:* Any accessory sign that is not attached to a building.

§ 3.9 *Sign, Area of:* (a) The area of a sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background on which they are displayed, any frame around the sign and any "cutouts" or extensions, but shall not include any supporting structure or bracing.

(b) The area of a sign consisting of individual letters or symbols attached to or painted on a surface, building, wall or window, shall be considered to be that of the smallest rectangle or triangle which encompasses all of the letters and symbols.

(c) The area of a sign consisting of a three-dimensional object shall be considered to be the area of the largest vertical cross-section of that object.

(d) Only one side shall be counted in computing the area of a double-faced sign.

§ 3.10 *Temporary Sign:* Any sign intended to be maintained for a continuous period of not more than 90 days.

SECTION 4

ADMINISTRATION AND ENFORCEMENT

§ 4.1 *Enforcement:* The Building Inspector is hereby designated as the Sign Officer and is hereby charged with the enforcement of this By-Law.

(a) The Sign Officer and his duly authorized agents shall, at reasonable times and upon presentation of credentials, have the power to enter upon the premises on which any sign is erected or maintained in order to inspect said sign.

(b) The Sign Officer is further authorized, upon notice as herein provided, to order the repair or removal of any sign which in his judgment is, or is likely to become, dangerous, unsafe or in disrepair, or which is erected or maintained contrary to this By-Law. The Sign Officer shall serve a written notice and order upon the owner of record of the premises where the sign is located and any advertiser, tenant or other person known to him having control of or a substantial interest in said sign, directing the repair or removal of the sign within a time not to exceed thirty days after giving of such notice. If such notice and order is not obeyed within such period of time, the Sign Officer or his duly authorized agents shall, at reasonable times and upon presentation of credentials, have the power to enter upon the premises on which said sign is erected or maintained and repair or remove, or cause to be repaired or removed, said sign. All expenses incurred by the Sign Officer or his duly authorized agents in repairing or removing any sign shall be assessable against any person who failed to obey said notice and order and shall be recoverable in any court of competent jurisdiction if not paid within thirty days after written notice of assessment is given by the Sign Officer to any such person.

§ 4.2 *Permits.* (a) No sign shall be erected, altered or enlarged until an application on the appropriate form furnished by the Sign Officer has been filed with the Sign Officer containing such information, including photographs, plans and scale drawings, as he may require, and a permit for such erection, alteration or enlargement has been issued by him after due consideration of any comments received by him from interested persons. Such permit shall be issued only if the Sign Officer determines that the sign complies or will comply with all applicable provisions of this By-Law. A schedule of fees for such permits may be determined from time to time by the Board of Selectmen.

(b) No permit for a sign shall be granted until at least fifteen days after the applicant has:

(1) published a summary of the application in a newspaper of general circulation in the Town once in each of two successive weeks, and

(2) mailed a summary of the application to all abutters to the premises on which the sign is, or is proposed to be, located.

(c) The provisions of section 4.2 shall not apply to:

(1) Signs permitted in a residential area:

(2) Temporary signs (See section 7.2(c) (2)); and

(3) Accessory standing signs (See section 7.2(b)).

§ 4.3 *Appeal.* A person aggrieved by an order or decision of the Sign Officer under this By-Law may appeal to the Zoning Board of Appeals, in the manner prescribed in General Laws, Chapter 40A.

§ 4.4 *Penalties.* Whoever violates any provision of this By-Law or any lawful order of the Sign Officer shall be subject to a fine of not less than Twenty-Five nor more than Fifty Dollars for each day that such offense continues.

§ 4.5 *Reports to Outdoor Advertising Board and the Public.*

(a) On or about May 1 in each year, the Sign Officer shall prepare and certify a list of all non-accessory signs within the Town which do not conform to the requirement of this By-Law. Such list shall specify for each such sign the permit number, if any, the owner of record of the premises where the sign is located and any advertiser, tenant or other person known to him having control of or a substantial interest in said sign, and a description of the reasons for such non-conformance, including a citation to the applicable provisions of this By-Law. A copy of such list shall be delivered or mailed by that date to the Outdoor Advertising Board and all interested persons and shall be posted for a period of at least three months, beginning on May 1 in each year, in the office of the Town Clerk.

(b) The Sign Officer shall keep records of all actions taken pursuant to this By-Law. He shall make an annual report to the Board of Selectmen listing all such actions and any apparent violations of this By-Law. A copy of such report shall be delivered to any interested person, upon request.

§ 4.6 *Citizen Participation.* Any five or more residents of this Town may petition the Sign Officer in writing to take any actions which he shall be authorized to take by these By-Laws to order or cause the repair or removal of any sign. In the event that the Sign Officer shall not have taken such action within thirty days of the date such petition was submitted to him, the Sign Officer shall hold a public hearing, notice of which shall be given by publication and mailing to all interested persons, at which hearing he shall be permitted to explain why he has not taken the appropriate action and shall permit members of the public to address him as to the reasons why he should take the action specified in such petition.

§ 4.7 *Citizen Suits.* Any ten or more residents of this Town, after exhausting the remedies provided in sections 4.3 and 4.6, may petition, under the statutes of the Commonwealth, any court of competent jurisdiction for an order for the removal or repair of any sign which does not conform to the requirements of these By-Laws and for an assessment of penalties by the court.

§ 4.8 *Submission of List by Citizens.* Any five or more residents of this Town may submit a list of non-accessory signs to the Outdoor Advertising Board which supplements the list submitted by the Sign Officer under section 4.5.

SECTION 5

MOVEMENT, ILLUMINATION AND COLOR

§ 5.1 *Movement.* No sign shall contain any moving, flashing or animated lights, or visible moving or movable parts, except such portions of a sign as consist solely of indicators of time and/or temperature, or automatically changing message, provided that a sign with an automatically changing message shall be permitted only if the Board of Selectmen shall affirm in writing any permit issued by the Sign Officer.

§ 5.2 *Illumination.* No sign shall be illuminated between the hours of 11 P.M. and 6 A.M. unless, in the case of an accessory sign, the premises on which it is located are open for business. Signs may be illuminated only by the following means:

(a) By a white, steady stationary light of reasonable intensity shielded and directed solely at the sign;

(b) By an interior light of reasonable intensity; or by neon or gas-filled tubes.

§ 5.3 *Color.* No illuminated sign shall contain more than 3 colors nor shall any sign contain more than 4 colors. No sign shall contain red or green lights if such colors would, in the opinion of the Police Department, constitute a driving hazard.

SECTION 6

Non-accessory signs shall not be permitted.

SECTION 7

ADDITIONAL REQUIREMENTS FOR ACCESSORY SIGNS

SIGNS IN RESIDENTIAL DISTRICTS: No billboard sign or other advertising matter of any nature or kind shall be erected on any premises or affixed to the outside of any building or structure or structure erected or maintained within public view of any highway, public park or reservation or facing an adjoining residential lot in any residential district except as hereinafter provided.

(a) One sign not exceeding two (2) square feet in area and pertaining to the use of the premises or bearing the name and/or occupation of the occupant. The sign may be attached to the building, or may be on a rod or post not more than four (4) feet high and at least three (3) feet from the street line. Such sign may be lighted by continuous reflected illumination only.

(b) One sign on a vacant lot or a lot occupied by a dwelling, pertaining to the lease, sale or use of a lot or building on which placed, not exceeding twelve (12) square feet in area.

(c) Building contractor's signs maintained on buildings while the same are actually under construction, provided that no such sign shall exceed twelve (12) square feet in area.

SIGNS IN OTHER DISTRICTS: In all other Business and Industrial Districts, Accessory signs only are allowed with the following conditions:

(a) In a limited Business B-1 and Business B-2.

1. One sign affixed parallel to any one exterior wall of each place of business; provided the same shall not project beyond the face of any other wall nor 4 feet above the roof line of said wall and not more than 12 inches from said wall; and provided further that the height of said sign shall not exceed one-third of the height of the first story of said wall; and provided further that the area of said sign shall not exceed 200 square feet. Signs affixed to any remaining exterior walls of said place of business shall comply as aforesaid, except that the area of said sign shall not exceed 50 square feet.

2. One free standing sign shall be permitted for each 100 feet of lot line front with a sign area of 20 square feet for each 100 feet of said frontage; provided that the total area of each surface shall not exceed 200 square feet and the total area of all surfaces shall not exceed 400 square feet.

(b) In an Industrial I-1 District, firm name signs, no larger than five feet by twenty feet, attached to or flush to the building, but no more than one to a building. Directory signs, no larger than three feet by three feet at the entrance or gates of the building. No neon directory signs allowed.

(c) Signs shall be set back from any adjoining residential district lot line at least the front yard distance required in the adjoining residential district.

(d) Any lights used for illumination shall be so arranged as to reflect light away from adjoining residential district.

(e) The minimum height of the lower edge of any sign erected within 25 feet of a street or way line shall be 8 feet.

PUBLIC SAFETY PROVISIONS: In the interest of public safety, the following are not permitted:

(a) Any sign extending or protruding over public property, within two (2) feet of curb line. Approval by the Board of Selectmen shall be required for any sign projecting over public property and such sign must meet the requirements of safety bonds.

(b) Flashing illuminated signs.

(c) Signs with moving parts, except as authorized by Board of Zoning Appeals.

(d) Any noise-making signs.

(e) Any colored sign so located as to attract attention from or obscure a traffic control light so as to reduce its visibility and effect.

(f) Any sign within twenty-five (25) feet of any intersection of two streets so placed in any way as to obstruct clear vision in any direction.

(g) Any device illuminating a sign which directs light toward a public way in such a manner as to cast its beam in the eyes of oncoming motorists or pedestrians.

SECTION 8

NONCONFORMANCE OF ACCESSORY SIGNS

Accessory signs legally erected before the adoption of this By-Law which do not conform to the provisions of this By-Law may continue to be maintained, provided, however, that no such sign shall be permitted if it is, after the adoption of this By-Law, enlarged, reworded (other than in the case of theatre or cinema signs or signs with automatically changing messages), redesigned or altered in any way including repainting in a different color, except to conform to the requirements of this By-Law; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five percent of the replacement cost of the sign at the time of the restoration shall not be repaired or rebuilt or altered except to conform to the requirements of this By-Law. Any exemption provided in this Section 8 shall terminate with respect to any sign which:

(a) Shall have been abandoned:

(b) advertises or calls attention to any products, businesses or activities which are no longer sold or carried on, whether generally or at the particular premises; or

(c) shall not have been repaired or properly maintained within thirty days after notice to that effect has been given by the Sign Officer.

SECTION 9

SEVERABILITY

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision hereof.

or take any other action in relation thereto.

RECOMMENDED: Refer to the Zoning By-Law Committee and have said Committee report their recommendations at a future Town Meeting but no later than February 18, 1974.

ARTICLE 25. (On Petition of John E. Howesberger and others) To see if the Town will vote to change the zoning presently in effect for the property shown and described on Sheet 46, Block 533, Lot 14 in the Town Atlas for 1969, from Residential 1 to Residential 4; or take any other action in relation thereto.

RECOMMENDED: Defer until Town Meeting.

The Appropriation Committee is waiting for the Planning Board and the Zoning By-Law Committees' recommendation. We will make our recommendation at Town Meeting. See appendix B

ARTICLE 26. (On petition of Edward J. Dalton and Others) To see if the Town will vote to rezone from Residential District R-1 to General Business District B-2, a certain parcel of land with the buildings thereon shown on the Weymouth Town Atlas as a portion of Lot 43, Block 427, Sheet 37 and Lot 19, Block 464, Sheet 37 as shown on the Town of Weymouth Atlas revised to January 1, 1969 and as further shown on a Plan of Land entitled, "Sketch of Land in Weymouth, Mass. for Weymouth Skating Club," dated March 2, 1973, Lamont R. Healy, Inc. Land Surveyors, which said Plan is on file with the Town Clerk, Town of Weymouth, 75 Middle Street, East Weymouth, Massachusetts; or take any other action in relation thereto.

RECOMMENDED: Defer until Town Meeting.

The Appropriation Committee is waiting for the Planning Board and the Zoning By-Law Committees' recommendation. We will make our recommendation at Town Meeting. See appendix C

ARTICLE 27. (By request of the Appropriation Committee) To see if the Town will vote to abandon portions of Lorraine Street and Charles Street accepted as Public Ways under Article 7, A.T.M. 1956 and as shown on Plan recorded at Norfolk Registry as Plan No. 575, 1956 in Plan Book 202. Said portions being the end of the layout of both streets and being forty feet in width running fifty feet westerly from the Weymouth-Hingham Town line; or take any other action in relation thereto.

RECOMMENDED: Favorable Action.

These portions of Lorraine and Charles Diersch Street are not needed in maintaining the road ways. See appendix D

ARTICLE 28. (By Direction of the Board of Selectmen) To see if the Town will vote to delete that portion of Article 701-A in the Town of Weymouth Building Code By-Law which requires that the Building Inspector "shall be a voter in the Town of Weymouth;" or take any other action in relation thereto.

RECOMMENDED: No Action.

Article 21 has taken care of the request of this Article.

You are directed to serve this Warrant by posting a true copy thereof, attested by you in writing, in each of two public places in each voting precinct in said Town, seven days at least before the date of holding said meeting.

Hereof fail not, and make due return of the Warrant with your doings thereon to the Town Clerk of said Town on or before the Fifth day of October in the year of our Lord One Thousand Nine Hundred and Seventy-Three.

WILLIAM J. GUNVILLE, Chairman
WILLIAM G. RENNIE, Clerk
WILLIAM B. ERWIN
GEORGE T. DOWD
ROBERT B. AMBLER

A true copy: ATTEST:

_____
Constable of Weymouth

SEABURY
STREET
(FORMERLY SUMMIT AVE)
MILES
STREET
GREEN
SHAW
STREET
STREET
STREET
TOWARD
STREET
CURTIS
NECK
CAPPED WELLS
CONSERVATION LAND
CAPPED WELL
MASSACHUSETTS ELECTRIC EASEMENT
ELECTRIC EASEMENT
DRAINAGE EASEMENT
MASS. ELECTRIC CO
COMPANY
DRAINAGE
HYDRANT
UTILITY EASEMENT
KATHERINE
CIRCLE
DONNELLAN
ROAD
STREET
ROAD
103
105
122

Precinct 7
Precinct 9
WARD FOUR
WARD FIVE
WEYMOUTH FAIR
497
Weymouth Agricultural and Industrial Society
728100
WEYMOUTH HISTORICAL SOCIETY
AVENUE
STF
533
529
EASEMENT
REPUBLIC AVENUE
HYDRANT
RALPH
RD.
BONNIE ROAD

NASH LANE
INGRID
SANDRA LANE NORTH
SANDRA LANE
ROAD
MAIN
NASH
MIDDLE
GRIFFIN TERRACE
CHRISTINE TERRACE
LIBERTY SQUARE
STREET
WEYMOUTH SKATING CLUB INC
THE STETSON SHOE CO., INC
SEWER EASEMENT
377
427
464
463
460

TOWN AND COUNTY LINE
HINGHAM
FAIRMOUNT CEMETERY
East Weymouth Cemetery Association
STREET
REIDY ROAD
STREET
ROAD
LORRAINE (FORMERLY LINDEN ST)
CHARLES DIERSCH
STREET
PLEASANT
POND
SEWER EASEMENT
DRAIN EASEMENT
356

THE SMITH PRINT INC